

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE BUSANET

v.

**JOHN E. WETZEL and PA
DEPARTMENT OF CORRECTIONS**

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CIVIL ACTION NO. 21-4286

ORDER

This 4th day of August, 2023, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that Defendants' Motion to Dismiss for Failure to State a Claim, or in the Alternative for Summary Judgment, ECF 28, is **GRANTED** in part, as follows: Mr. Busanet's Fourteenth Amendment claim is dismissed on the basis of qualified immunity. In all other respects, the Motion is denied.

/s/ Gerald Austin McHugh
United States District Judge